

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 18, 2007. Claims 1-60 were pending in the Application. In the Office Action, Claims 1-60 were rejected. Claims 1-60 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 102 REJECTIONS

Claims 1-11, 15-17, 19-23, 25-33, 36-40, 42-44, 46, 48, 50-55 and 57-60 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 2003/034650 issued to Sundar et al. (hereinafter "*Sundar*"). Applicant respectfully traverses this rejection.

Of the rejected claims, Claims 1, 16, 26, 37 and 42 are independent. Applicant respectfully submits that *Sundar* does not disclose or even suggest each and every limitation of independent Claims 1, 16, 26, 37 and 42. For example, independent Claim 1 recites "detecting at least one wireless network within which a wireless device is located while the wireless device in a transmit off mode" (emphasis added). In the Office Action, the Examiner appears to refer to paragraphs 0056 and 0058 of *Sundar* as disclosing the above-referenced limitation of Claim 1 (Office Action, page 2). Applicant respectfully disagrees.

Sundar appears to disclose that the presence of a WLAN can be detected by one of two methods:

Passive Scanning: the station 310 searches for a beacon frame broadcast by the 802.11x AP 204

Active Scanning: the station 310 transmits probe request frames and waits for probe response frames from the AP 204

(*Sundar*, paragraphs 0056 and 0057). *Sundar* does not disclose or even suggest that the station 310 device of *Sundar* is in a "transmit off mode" as recited by Claim 1. The Examiner appears to automatically equate "passive scanning" with a device being in a "transmit off mode," which is improper and unsupported. For example, *Sundar* appears to indicate that "passive scanning"

means nothing more than that the station 310 device of *Sundar* is not transmitting probe request frames. *Sundar* does not disclose or even suggest that if the station 310 device of *Sundar* is “listening” for beacon frames (passive scanning) that the device is also not “transmitting” or configured not to transmit. In fact, Applicant respectfully refers the Examiner to paragraph 0065 of *Sundar* which appears to indicate that the station 310 of *Sundar* is connected and communicating with one network while also “passive scanning” for a WLAN such that if the WLAN is detected, the device 310 de-registers from the macro network and registers with the WLAN. Applicant respectfully submits that “listening” (passive scanning) and “talking” (transmitting) are mutually exclusive such that “listening” does not automatically equate to not “talking.” Accordingly, *Sundar* does not anticipate Claim 1.

Independent Claims 16, 26, 37, 52 and 57 each generally recite detecting a wireless network while the wireless device is in a “transmit off mode,” and independent Claim 42 recites “a wireless device . . . [with] application logic adapted to selectively switch the wireless device between a transmit on mode and a transmit off mode based on an identification of at least one wireless network” (emphasis added). For at least the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that independent Claims 16, 26, 37, 42, 52 and 57 are also not anticipated by *Sundar*.

Claims 2-11, 15, 17, 19-23, 25, 27-33, 36, 38-40, 43, 44, 46, 48, 50, 51, 53-55 and 58-60 that depend respectively from independent Claims 1, 16, 26, 37, 42, 52 and 57 are also not anticipated by *Sundar* at least because they incorporate the limitations of respective Claims 1, 16, 26, 37, 42, 52 and 57 and also additional elements that further distinguish *Sundar*. Therefore, Applicant respectfully requests that the rejection of Claims 1-11, 15-17, 19-23, 25-33, 36-40, 42-44, 46, 48, 50-55 and 57-60 be withdrawn.

SECTION 103 REJECTIONS

Claims 12-14, 18, 24, 34-35, 41, 49 and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Sundar* in view of U.S. Patent No. 2004/0003285 issued to Whelan et al. (hereinafter “*Whelan*”). Claim 45 was rejected under 35 U.S.C. §103(a) as being unpatentable

over *Sundar* in view of U.S. Patent No. 2004/0153676 issued to Krantz (hereinafter "*Krantz*"). Applicant respectfully traverses this rejection.

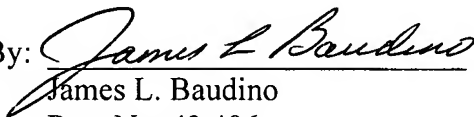
Claims 12-14, 18, 24, 34-35, 41, 45, 49 and 56 depend respectively from independent Claims 1, 16, 26, 37, 42 and 52. As discussed above, Claims 1, 16, 26, 37, 42 and 52 are in condition for allowance. Therefore, for at least this reason, Claims 12-14, 18, 24, 34-35, 41, 45, 49 and 56 that depend respectively therefrom are also in condition for allowance. Further, *Whelan* and *Krantz* do not appear to remedy, nor did the Examiner rely on *Whelan* or *Krantz* to remedy, at least the deficiencies of *Sundar* indicated above. Accordingly, Applicant respectfully requests that the rejection of Claims 12-14, 18, 24, 34-35, 41, 45, 49 and 56 be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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Date: April 17, 2007

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